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October 9, 2002

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Meeting
Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc.
and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA
Services in Florida and Tennessee
WC Docket No. 02-307

Dear Ms. Salas,

On October 8, 2002, Denise Berger, Jay Bradbury, David Eppsteiner, Alan Geolot, Sharon Norris, Richard Rocchini, and the undersigned, all representing AT&T, met with Laurel Bergold, Denise Coca, Greg Cooke, Rodney McDonald, Pam Megna, Jon Minkoff, Christine Newcomb, and Ruth Yodaiken of the FCC. The purpose of the meeting was to preview some of the points AT&T will be making in its opposition to the Joint Application by BellSouth Corporation for Provision of In-Region, InterLATA Services in Florida and Tennessee, as filed in the above-referenced docket. The points presented are reflected in the attached documents, which were distributed at the meeting.

One electronic copy of this Notice is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

Jodi S. Sirotnak

cc: Laurel Bergold
Denise Coca
Greg Cooke
Rodney McDonald
Pam Megna
Jon Minkoff
Christine Newcomb
Ruth Yodaiken

**BELLSOUTH/AT&T
OPERATIONAL ISSUES**

I. BELLSOUTH INAPPROPRIATELY REQUIRES CLECS TO PROVIDE FOR THE DISPOSITION OF REMAINING SERVICE AFTER A COMPLETE MIGRATION

Definition: BellSouth's MegaLink and PRI services generally require a high capacity access facility to carry the service from the customer's PBX to the BellSouth central office. If AT&T wins the customer's local service, AT&T issues an LSR for a complete port from BellSouth to AT&T, which brings all of the customer numbers to AT&T. BellSouth will not accept the order and will clarify AT&T's order until AT&T gives instruction to BellSouth regarding the disposition of the BellSouth retail access facility.

BellSouth Position: Orders that do not give instruction for the disposition of the facility will be clarified back to the CLEC.

AT&T Position: BellSouth is inappropriately requiring AT&T to provide direction regarding a BellSouth retail facility. AT&T has only ported numbers from BellSouth. BellSouth's request that AT&T give this instruction is inappropriate and unnecessarily delays AT&T's order and adds incremental costs to AT&T's acquisition overhead. AT&T must contact the customer to determine the details of his BellSouth retail service, then counsel the customer regarding the disposition of a service that does not belong to AT&T. Not only does BellSouth action insert AT&T in between the customer and BellSouth's retail unit, it also causes another unnecessary delay in delivering service to new AT&T customers. Finally, the practice removes any liability from BellSouth for satisfying the customer's relationship with BellSouth's billing organization. If the customer has no use for the facility and it is not disconnected, then the customer continues to receive billing from BellSouth, causing customer dissatisfaction.

**BELLSOUTH/AT&T
OPERATIONAL ISSUES**

**II. BELLSOUTH DOES NOT PROVIDE AN APPROPRIATE PROCESS FOR
CONVERSION OF SPECIAL ACCESS CIRCUITS TO UNE LOOPS**

Definition: The conversion of special access circuits to UNE loops allows AT&T to take customers from access DS-1s, which have market based rates, to TELRIC-priced UNE loops. BellSouth is obligated to provide a process that is "simple and economical."

BellSouth Position: BellSouth offers a conversion process, whereby AT&T can issue a disconnect order for the access DS-1 and a new connect order for the UNE loop. BellSouth has no obligation to provide a conversion process for stand-alone special access services.

AT&T Position: AT&T requested that BellSouth provide an alternative to the two-order conversion process. BellSouth responded with a proposal that would average \$865 per circuit to convert from DS-1 to UNE loop. The proposal offered by BellSouth presents AT&T with a Hobson's Choice: risk disruption of a customer's service, pay BellSouth a ransom to eliminate that risk, or remain on a high priced access service.

**BELLSOUTH/AT&T
OPERATIONAL ISSUES**

**III. BELLSOUTH REFUSES TO TREAT CABLE PAIR MALFUNCTION ON
ACTIVE CLEC CUSTOMER'S SERVICE AS A MAINTENANCE PROBLEM**

- Definition:** In order to provide competitive local service via its own switch, a CLEC must lease a local loop from BellSouth. The connectivity between the CLEC and BellSouth takes place through the connection of cable pairs in the CLEC's collocation cage. If that end-user's service malfunctions and the problem is on the AT&T side of the connecting facility assignment (CFA), AT&T can quickly change the pair to restore the customer's service. However, in order to restore the customer's service, BellSouth must change the pair on their side of the connection to match AT&T's new pair.
- BellSouth Position:** AT&T must send a provisioning order to BellSouth requesting the change in pairs. If the standard provisioning interval does not meet AT&T's needs, then AT&T can expedite the order.
- AT&T Position:** This is a maintenance issue and BellSouth should resolve the request via the maintenance process. If AT&T submits an order via the provisioning process, the standard interval is five to seven business days for processing. If AT&T expedites the order, then BellSouth applies a \$200 per day expedite charge, which, in the best-case scenario, would cost AT&T an additional \$800-1000. There is no alternative to AT&T; it cannot restore the service without the intervention of BellSouth. If this issue were handled under maintenance provisions, then the customer's service would be restored within 24 hours.

BellSouth Performance and Reports

Performance Results/CLEC Aggregate

Performance Results/AT&T

Performance Reporting Policy

Third Party Audits

**Florida
Louisiana
Georgia**

Performance Metrics Workshops

**Florida
Louisiana
Georgia**

BellSouth Chronic Metric Failures

Florida			Tennessee		
Metric	Sub-Category	Disaggregation	Metric	Sub-Category	Disaggregation
Reject Interval ¹	Fully Mechanized	-Residence -Business -Loop/Port Combo -ISDN -Line-sharing -2W analog loop -Other Design -Other non-Design	Reject Interval	Fully Mechanized	-Residence -Business -Loop/Port Combo -ISDN -Line-sharing -2W analog loop -Other Design -Other non-Design
Reject Interval	Partially Mechanized	-Line-sharing -2W Analog Loop with and without LNP	Reject Interval	Partially Mechanized	-Line-sharing -2W analog loop -LNP Standalone
FOC Timeliness	Partially Mechanized	-Loop/Port Combos -ISDN loop -2W analog Loop (design and non-design, with and without LNP)	FOC Timeliness	Partially Mechanized	-Other Non-Design -ISDN
FOC/Reject Completeness	Fully Mechanized	-xSDL -Other Non-Design	FOC/Reject Completeness	Fully Mechanized	-xSDL -Other Non-Design
FOC/Reject Completeness	Partially Mechanized	-xDSL	FOC/Reject Completeness	Partially Mechanized	-xDSL
FOC/Reject Completeness	Non-mechanized	-Loop/port combo	FOC/Reject Completeness	Non-mechanized	-Loop/port combo -2W analog loop -Resale/business -Resale/ISDN

¹ Reject and FOC interval in Florida is 95% in 10 hours beginning with May, 2002 performance

BellSouth Chronic Metric Failures

Florida			Tennessee		
Metric	Sub-Category	Disaggregation	Metric	Sub-Category	Disaggregation
Missed Appointments	< 10 ckts Non-dispatch	-Residence resale -Business resale -Loop/port combos	Missed Appointments	< 10 ckts Non-dispatch	Residence resale -Loop/port combos -LNP Stand-alone
Missed Appointments	< 10 ckts Dispatch	->DS1	Missed Appointments	< 10 ckts Dispatch	->DS1
% Troubles in 30 days	< 10 ckts Non-dispatch	-Resale Residence -Loop/port combos -Line-sharing	% Troubles in 30 days	< 10 ckts Non-dispatch	-Resale Residence -Resale ISDN -Loop/port combos
% Troubles in 30 days	< 10 ckts Dispatch	-Line-sharing -<DS1 ->DS1	% Troubles in 30 days	< 10 ckts Dispatch	-Line-sharing -<DS1 -ISDN loop
Average Completion Interval		-2W analog loop w/LNP	Average Completion Interval		Combo Other Line-sharing
Jeopardies		-ISDN -2W analog Loop -Loop/port combos	Jeopardies		-Combo Other -ISDN Loop -2W analog loop (design and non-design)
Average Completion Notice Interval		-xDSL -2W analog Loop (design) --2W analog Loop with LNP (design)	Average Completion Notice Interval		-2W analog Loop (design) --2W analog Loop with LNP (design)
Missed Repair Appointments	Non-dispatch	-Line-sharing -2W analog loop	Missed Repair Appointments	Non-dispatch	-Line-sharing -Loop/port combo
Maintenance	Non-dispatch	-Other-Non-design	Maintenance	Non-dispatch	-Line-sharing

BellSouth Chronic Metric Failures

Average Duration			Average Duration		
Florida			Tennessee		
Metric	Sub-Category	Disaggregation	Metric	Sub-Category	Disaggregation
Customer Trouble Report Rate	Dispatch	-Resale Residence -Resale Business -Combo Other -ISDN Loop -2w Analog loop non-design	Customer Trouble Report Rate	Dispatch	-Resale Residence -Combo Other
Service Order Accuracy	Dispatch	Resale Business Resale Design	Service Order Accuracy	Dispatch	Resale Business Resale Design
Service Order Accuracy	Non-dispatch	Resale Business Resale Design UNE Design	Service Order Accuracy	Non-dispatch	Resale Business Resale Design UNE Design
Mean Time to Deliver Invoices			Mean Time to Deliver Invoices		
Flow-Through		Residence Business UNE	Flow-Through		Residence Business UNE

Note: Items in bold indicate that AT&T is also experiencing poor performance in this area.

BellSouth Chronic Metric Failures

AT&T Specific Issues

1. Partially mechanized Firm Order Confirmations for UNE-P and UNE Loops
2. Missed Installation Appointments for UNE-P
3. % Troubles in 30 Days – UNE-P and Loop with LNP
4. Changing Facilities and effect on Quality of Service
5. BellSouth's lack of willingness to conduct root cause analysis and create improvement plans for performance failures

PERFORMANCE MEASURES

Florida Third Party Test
October 2, 2002

	E/O	DATE OPENED	AFFECTED METRICS	DESCRIPTION
				<i>DATA INTEGRITY (PMR-4)</i>
1	E-36	3/21/01	FOC and rejection timeliness	BST does not properly construct the processed data used to validate FOC and rejection timeliness (formerly observation-6).
2	E- 113	10/4/01	Flow-through	KPMG has found that BST does not capture xDSL transactions in flow- through measure.
3	E- 114	10/5/01	FOCs	BellSouth incorrectly excludes data between the BARNEY Snapshot database and NODS stages of the PMAP process for FOCs for June 2001 data.
4	E- 120	11/13/01	% Rejected Service Requests	BellSouth incorrectly excludes data between the BARNEY Snapshot database and NODS stages of the PMAP process for fully and partially mechanized orders for the % rejected service requests (non- trunks).
5	E- 124	12/05/01	% Flow-Through Service Requests	KPMG cannot replicate the values for Ordering Percent Flowthrough SQM for CLEC Aggregate (Nov. 2000)
6	E- 143	02/04/02	% Rejected Service Requests	BST incorrectly excludes data between BARNEY and NODS stages of the PMAP process for non-mechanized orders for % rejected service requests non -trunks for June 01 data.
7	E- 144	02/04/02	Reject Interval	BST incorrectly excludes data between BARNEY and NODS stages of the PMAP process for non-mechanized orders for reject interval - non -trunks for June 01 data
8	E- 145	02/04/02	FOC Timeliness	BST incorrectly excludes data between BARNEY and NODS stages of the PMAP process for non-mechanized orders for FOC Timeliness - non -trunks for June 01 data
9	E- 178	8/5/02	Acknowledgement Timeliness	BST incorrectly excludes data between the snapshots and the data mart stages of the PMAP process. (May 2002)
10	E- 179	08/0502	Acknowledgment Completeness	BST incorrectly excludes data between the snapshots and the data mart stages of the PMAP process. (May 2002)

PERFORMANCE MEASURES

Florida Third Party Test October 2, 2002

11	E-184	8/28/02	Reject Interval	BST's calculated duration for certain non-mechanized records are inaccurate for May 2002 data.
12	E-185	8/28/02	LNP -FOC	BST's calculated duration for certain non-mechanized records are inaccurate for May 2002 data
13	E-188	09/03/02	LNP FOC	BST's calculated duration for certain fully mechanized records are inaccurate for June 2002 data
14	E-189	09/03/02	FOC	BST's calculated duration for certain fully mechanized records are inaccurate for June 2002 data
15	E-191	09/03/02	FOC-Trunks	BST incorrectly excludes data between the RADS and datamart stages of the PMAP process that go into the calculation of interconnection trunks for May 2002.
16	E-192	09/03/02	Reject Interval	BST's calculated duration for certain fully mechanized records are inaccurate for June 2002 data
17	E-194	09/11/02	Held Order Interval	BST's duration calculations are inaccurate for April 2002.
18	E-196	09/13/02	Reject Interval	BST incorrectly excludes data between the RADS and datamart stages of the PMAP process used to calculate mechanized records for the ordering reject interval SQM for May 2002.
19	E-197	09/20/02	Average Completion Notice Interval	BST incorrectly excludes data between the snapshots and datamart stages of the PMAP process used to calculate Average Completion Notice Interval for May 2002.
20	E-198	09/25/02	Maintenance Average Duration	BST incorrectly excludes data between the snapshots and datamart stages of the PMAP process that effect the calculation of the Maintenance Average Duration SQM for April 2002.
21	E-199	09/24/02	LNP Total Service Order Cycle Time	BST's duration calculations for LNP - TSOCT SQM are inaccurate for May 2002 data.
22	E-200	09/30/02	% Completions/ Attempts without Notice	The datasets used to produce SQM reports for April 2002 are incorrect. (exclusions and inclusions)

PERFORMANCE MEASURES

Florida Third Party Test
October 2, 2002
Florida Third Party Test

		DATE OPENED	AFFECTED METRIC	DESCRIPTION
				<i>METRICS CALCULATION/ REPLICATION (PMR-5)</i>
1	E-151	02/22/0)	Completions/attempts without notice or with less than 24 hours notice measure	KPMG cannot replicate the values . RDUM instructions insufficient. (Previously observation 139)
2	E-153	02/22/02	LNP Total Service Order Cycle Time	KPMG cannot replicate the values. (Previously observation 113)
3	O-176	03/19/02	Average Completion Notice Interval	KPMG cannot replicate the values.
4	E-193	04/23/02	Hot Cut Timeliness % within interval and average interval	KPMG cannot replicate the values for August 2001. RDUM instructions also insufficient (Previously O-185).
5	E-182	04/26/02	Reject Interval	KPMG cannot replicate the values in the SQM report for the CLEC aggregate (September 2001) (Previously O-195).
6	E-163	05/06/02	LNP % rejected service requests	KPMG cannot replicate the values. (Formerly Observation 179)
7	O-200	05/20/02	LNP reject interval and % reject.	KPMG has found that BST's implemented exclusions for the metrics are inconsistent with the documented exclusions.
8	E-180	06/17/02	Mean Held Order Interval	KPMG cannot replicate the values for August 2001. (Previously O-206)
9	O-210	07/15/02	Provisioning % missed appointments	KPMG cannot replicate the values for April 2002
10	E-181	07/19/02	Service Inquiry with LSR FOC Response Time	KPMG cannot replicate the values for April 2002. (Previously O-213)
11	E-183	08/27/02	M&R Customer Trouble Report Rate	KPMG cannot replicate the values for April 2002. (Previously O-214)
12	E-186	09/03/02	% Provisioning Troubles in 30 days	KPMG cannot replicate the values for April 2002. (Previously O-217)
13	E-190	09/03/02	OCI	KPMG cannot replicate the values for May 2002.
14	O-210	07/15/02	% Missed Installation Appointments	KPMG cannot replicate the values for April 2002. RDUM instructions are insufficient.
15	O-	08/27/02	% Rejected Service	KPMG cannot replicate the values

PERFORMANCE MEASURES

Florida Third Party Test
October 2, 2002

	218		Requests	for April 2002.
16	E-195	09/1302	Total Service Order Cycle Time	KPMG cannot replicate the values for May 2002
17	O-220	09/25/02	LNP Missed Installation Appointments	KPMG cannot replicate the values for May 2002.

BellSouth's Change Control Process ("CCP") limits CLEC efforts to enter the local market and gain market share thus denying efficient competitors a meaningful opportunity to compete.

Close regulatory scrutiny of Bellsouth's CCP is critical to ensuring that CLECS have an adequate opportunity to compete.

- BellSouth boasts of improvements that it has made to the CCP, but many improvements have occurred only as a result of continuing scrutiny and the actions of regulators.
- The continued need for regulatory involvement to bring about improvements in the CCP demonstrates that BellSouth's claimed "collaborative" spirit is not "voluntary."
- BellSouth has not complied with the Commission's directives in prior orders to improve its CCP.
- In July, August, and September the Florida and Georgia PSCs were forced to order BellSouth to implement specific changes to the CCP and new metrics to remedy deficiencies in the process revealed by KPMG's evaluations and resolve issues BellSouth refused to consider in discussions with the CLECs including:
 - Reduced intervals for the correction of software defects.
 - Retained the existing definition of a defect.
 - Required the implementation of feature changes within 60-weeks of prioritization.
 - Rejected BellSouth's attempt to qualify its obligation under the CCP to implement change requests within 60 weeks of prioritization with the *caveat* that such implementation was "subject to capacity."
 - Required the implementation of mandates without dates certain within 60 weeks.
 - Required the use of the CLEC-recommended forecast and actual capacity reporting forms.
 - Required the on-going reporting of request sizing information as it changes from prioritization through the implementation of CRs.
 - Retained the existing language of the CCP on the timing of prioritization meetings.
 - Required BellSouth to obtain CLEC concurrence to changes in the order of implementation of CLEC-initiated changes.
 - Required the implementation of the CLECs' proposed "Negotiated Extended Implementation" for specific change requests.
- BellSouth's behavior since May indicates that in many areas it considers the penalties associated with violating the CCP metric objectives as an acceptable cost of doing business.

BellSouth's Change Control Process ("CCP") limits CLEC efforts to enter the local market and gain market share thus denying efficient competitors a meaningful opportunity to compete.

BellSouth's 2003 release planning reflects the inadequacies of its change control process.

- All versions of the 2003 Release Plan will result in CLECs waiting over two years for the implementation of most feature CRs
 - 10 of 17 CRs (59%) in Option 1
 - 13 of 21 CRs (62%) in Option 2
 - All CR's implemented will be over one year old
 - This trend will continue into 2004
- The various versions of the 2003 Release Plan described in BellSouth's Application reflect continuing deficiencies in the CCP:
 - (1) BellSouth's continuing control of the CCP;
 - (2) The unreasonably long times that BellSouth takes to implement change requests; and
 - (3) BellSouth's noncompliance with the CCP.
- The multiple sets of proposed alternatives that BellSouth has developed to the preexisting 2003 Release Plan have resulted from BellSouth's repeated failures to conduct adequate planning
 - Failure to determine the requirements for its ENCORE to IDN migration before reserving development capacity
 - Improper sizing of high priority CLEC initiated changes hastily substituted for the ENCORE to IDN migration
 - Unrealistic forecasting of 2003 maintenance requirements
- BellSouth's planning violates the CCP
 - There are no CRs supporting BellSouth's ENCORE to IDN or TAG-XML migrations
 - BellSouth has provided no sizing information on these efforts
 - BellSouth has unilaterally reserved capacity in the CLEC Production Release (R13) for its own CRs over more highly prioritized CLEC initiated CRs
 - BellSouth plans to ignore the requirement to implement FTTF CR
- The "votes" BellSouth has forced upon the CLECs since May are not the result of a collaborative process.
- BellSouth's Florida Action Plan is a straw man.

BellSouth's Change Control Process ("CCP") limits CLEC efforts to enter the local market and gain market share thus denying efficient competitors a meaningful opportunity to compete.

Bellsouth's software releases are plagued by defects.

- BellSouth's defect correction continues to be untimely and BellSouth does not, appear to be implementing any corrective activity.
 - In September BellSouth knowingly planned to correct 20 software defects at intervals up to four times greater than the objectives.
 - BellSouth also knowingly planned to correct more recently identified low impact defects in advance of medium impact defects validated earlier.
 - 45 software defects were in validated or scheduled status at the end of September.
- The Q/P Management Report on which BellSouth relies is flawed.
 - Improper identification of BellSouth's vendors.
 - Use of unverified data concerning existing function point counts.
 - Conversion of line count data using unverified assumptions.
 - Used only 30 days of data for Release 10.5.
 - Failed to determine the number of defective function points.
 - Benchmarked against unspecified sources.
- BellSouth's explanations for defects in its releases do not withstand scrutiny.
 - CR0756 – UNE-P Calling Scope
 - CR0923 – BellSouth Long Distance
 - Release 11.0 Coding Matrix